

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Plumbers and Steamfitters Union Local
No. 10 Health & Welfare Fund,

Plaintiff,

- against -

State Street Corp. et al,

Defendants.

Ning Yu

Plaintiff,

- against -

State Street Corp.

Defendant.

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| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED: <u>10/24/08</u> |

ORDER

This Order relates to:

MDL No. 1945
07 Civ. 8488 (RJH)
08 Civ. 7934 (RJH)
08 Civ. 8235 (RJH)

The Court has received a letter from plaintiffs in case numbers 08 Civ. 7934, *Plumbers & Steamfitters Union Local No. 10 Health & Welfare Fund v. State Street Corp. et al.*, and 08 Civ. 8235, *Yu v. State Street Corp.*, alerting it that the claims in those cases are distinct from those in case number 07 Civ. 8488, *In re State Street Bank and Trust Co. ERISA Litigation* (the “Lead MDL Case”). While the claims in the Lead MDL Case arise under the Employee Retirement Income Security Act of 1974, those in *Plumbers & Steamfitters* and *Yu* arise under the Securities Act of 1933. With the consent of defendants in the Lead MDL Case, plaintiffs in *Plumbers & Steamfitters* and *Yu* request that their cases be coordinated, but not consolidated, for pretrial purposes with Multidistrict Litigation No. 1945.

“Cases should not be consolidated if it would result in increased delay and other unnecessary burdens on parties, such as having to participate in discovery irrelevant to their cases.” *Manual for Complex Litigation* (Fourth) § 20.11 (2004) (citing *In re Repetitive Stress Injury Litigation*, 11 F.3d 368 (2d Cir. 1993)).

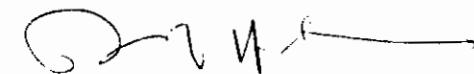
Accordingly, it is:

ORDERED that the Court’s Order of October 9, 2008 in 08 Civ. 7934 [5] is vacated; and it is further

ORDERED that case number 08 Civ. 7934 be coordinated with Multidistrict Litigation No. 1945 for pretrial purposes only; and it is further

ORDERED that case number 08 Civ. 8235 be coordinated with Multidistrict Litigation No. 1945 for pretrial purposes only.

Dated: New York, New York
October 22, 2008



Richard J. Holwell
United States District Judge